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*Byers Industrial Services, LLC And*  
*Gavin Andrew Payne*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PAUL L. DEPIERRO, an individual; and  
FRANCES ELLEN STELLA, individually,

Plaintiffs,

vs.

BYERS INDUSTRIAL SERVICES, LLC., a  
Foreign Limited Liability Company; GAVIN  
ANDREW PAYNE, an individual; DOES 1  
through 20; ROES Corporations 1 through 10  
and ROE Domestic Corporations, 1 through  
10, inclusive,

Defendants.

CASE NO.: 2:22-cv-02053-ART-VCF

**STIPULATION TO EXTEND  
DISCOVERY DEADLINES IN  
COMPLIANCE WITH LR-26-3  
(Second Request)**

Defendants BYERS INDUSTRIAL SERVICES, LLC and GAVIN ANDREW PAYNE, and  
Plaintiffs PAUL L. DEPIERRO and FRANCES ELLEN STELLA, by and through their counsel of  
record LEWIS BRISBOIS BISGAARD & SMITH LLP, hereby stipulate to extend discovery  
deadlines and trial 90 days. This request is made according to LR-26-3.

In support of this Stipulation and Request, the parties state as follows:

**I. DISCOVERY WHICH HAS BEEN COMPLETED TO DATE**

The parties have conducted the following discovery to date:

1. The parties participated in the Early case Conference and attended the mandatory NRCP 16.1 conference.
2. The parties have served their NRCP 16.1 disclosures and supplements.



3. The parties have served and responded to written discovery.

4. Both Plaintiffs have been deposed.

**II. DISCOVERY WHICH REMAINS TO BE CONDUCTED**

The parties agree that the following discovery must be completed:

1. Any necessary additional written discovery
2. Depositions of Defendants
3. Expert retention
4. Independent Medical Examinations
5. Depositions of experts
6. Depositions of any other relevant individuals
7. Any additional discovery required

**III. CURRENT DISCOVERY AND TRIAL SCHEDULE**

The Scheduling and Trial Order on this matter provides the following deadlines:

- |  |            |
|--|------------|
| 1. Deadline to Complete Discovery:           | 05/16/2024 |
| 2. Deadline for Initial Expert Disclosures:  | 03/18/2024 |
| 3. Deadline for Rebuttal Expert Disclosures: | 04/16/2024 |
| 4. Deadline for Dispositive Motions:         | 06/18/2024 |
| 5. Parties shall file Joint Pretrial Order:  | 07/16/2024 |

**IV. REASONS WHY THE PROPOSED DISCOVERY WILL NOT BE COMPLETED PRIOR TO THE EXPIRATION OF THE CURRENT DISCOVERY DEADLINE:**

The parties are diligently pursuing discovery. Both Plaintiffs require an Independent Medical Exam and Defense counsel has contacted multiple experts since the new year began. Unfortunately, all responses have been that experts are backed up, and thus the medical exams cannot be scheduled prior to expert deadlines in March. Additionally, Defendants' depositions need to be scheduled. Therefore, the parties need an extension of time to facilitate additional discovery, retention of experts, conduct a rule 35 examination and, potentially, settlement discussions.

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**V. PROPOSED PLAN FOR COMPLETING DISCOVERY**

The parties request that the following discovery deadlines be extended as follows:

Task	Old Discovery Deadline	Proposed Discovery Deadline
Deadline to Complete Discovery	05/16/2024	08/14/2024
Deadline for Initial Expert Disclosures	03/18/2024	06/17/2024
Deadline for Rebuttal Expert Disclosures	04/16/2024	07/15/2024
Deadline for Dispositive Motion	06/18/2024	09/16/2024

**VI. THE CURRENT TRIAL DATE**

No trial date is currently set. This request for an extension of time is not sought for any improper purpose or other purpose of delay. Rather, it is sought by the parties for the purposes of facilitating meaningful discovery, exploring settlement, and trying the case on its merits. The parties may also explore alternative dispute resolution.

DATED this 22nd day of January, 2024.

DATED this 22nd day of January, 2024.

LEWIS BRISBOIS BISGAARD & SMITH LLP

PACIFIC WEST INJURY LAW

*/s/ Christopher A. Elsee*

*/s/ Kirill Mikhaylov*

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**ORDER**

Upon Stipulation by counsel for the parties, and good cause appearing therefore,

IT IS HEREBY ORDERED that the discovery deadline schedule shall be as follows:

Task	Old Discovery Deadline	Proposed Discovery Deadline
Deadline to Complete Discovery	05/16/2024	08/14/2024
Deadline for Initial Expert Disclosures	03/18/2024	06/17/2024
Deadline for Rebuttal Expert Disclosures	04/16/2024	07/15/2024
Deadline for Dispositive Motion	06/18/2024	09/16/2024

DATED this 25th day of January, 2024.

  
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US MAGISTRATE JUDGE

Respectfully Submitted By:

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Christopher A. Elsee

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